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California Corporations Commissioner
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BEFORE THE DEPARTMENT OF CORPORATIONS

OF THE STATE OF CALIFORNIA

In the Matter of the Accusation of THE CALIFORNIA CORPORATIONS COMMISSIONER, Complainant, vs. VINEYARD ESCROW, Respondent.	File No.: 963-1996 ACCUSATION IN SUPPORT OF REVOCATION OF CALIFORNIA ESCROW AGENT'S LICENSE

The Complainant is informed and believes and based upon such information and belief, alleges and charges as follows:

I

Vineyard Escrow ("Respondent") is an escrow agent licensed by the California Corporations Commissioner ("Commissioner" or "Complainant") of the Department of Corporations ("Department") pursuant to the Escrow Law of the State of California (California Financial Code Section 17000 *et seq*.).

II

The Commissioner received a letter from Respondent on May 27, 2010, informing that it wished to surrender its California escrow agent's license.

State of California – Department of Corporations

On June 25, 2010, the Commissioner sent a certified letter to Respondent at its last known address on file with the Commissioner, which was received by Respondent on June 28, 2010. This letter notified Respondent that, as a condition of license surrender pursuant to Financial Code section 17600, subdivision (b), the licensee is required to engage a certified public account to conduct a closing audit of the licensee's records ("closing audit report") and report findings of compliance with the Escrow Law to the Commissioner within 105 days from the date of the application to surrender the license. In a letter received by the Department on October 18, 2010, the Respondent stated that it would be unable to prove the closing audit report.

Pursuant to Financial Code section 17600, subdivision (b), the Respondent's closing audit report was due 105 days from the date of application to surrender its escrow agent's license, which was September 11, 2010.

To date, the Commissioner has not received the closing audit report from Respondent.

Pursuant to California Financial Code section 17202, all licensees must maintain a surety bond in the minimum amount of 25,000.00. On July 8, 2010, American Contractors Indemnity Company notified the Commissioner that it had elected to cancel the surety bond of Vineyard Escrow in its entirety. On July 15, 2010, the Commissioner notified Vineyard Escrow in writing that its surety bond would cancel on August 7, 2010, and requested Vineyard Escrow to provide proof of bond replacement or reinstatement. Vineyard Escrow failed to provide proof of bond replacement or reinstatement.

III

Financial Code section 17600, subdivision (b), provides as follows:

> A licensee that ceases to engage in the business regulated by this division and desires to no longer be licensed shall notify the commissioner in writing and, at that time, tender the license and all other indicia of licensure to the commissioner. Within 105 days of the written notice to the commissioner, the licensee shall submit to the commissioner, at its own expense, a closing audit report as of the date the license is tendered to the commissioner for surrender, or for another period as the commissioner may specify, to be performed by an independent certified public accountant. The closing audit shall include, but not be limited to, information required by the commissioner, a bank reconciliation of the trust account, and a verified statement from a certified public accountant confirming lawful disbursement of funds. A license is not surrendered until the commissioner has reviewed and accepted the closing audit

State of California – Department of Corporations

> report, a determination has been made by the commissioner that acceptance of the surrender is in the public interest, and tender of the license is accepted in writing by the commissioner.

Financial Code section 17602.5 provides in pertinent part as follows:

> If any licensed escrow agent fails to make any reports required by law or by the commissioner within ten (10) days from the date designated for the making of the reports, or within any extension of time granted by the commissioner, . . . such failure shall constitute grounds for the suspension or revocation of the license held by such escrow agent.

Financial Code section 17608 provides in pertinent part:

> The commissioner may, after notice and a reasonable opportunity to be heard, suspend or revoke any license if he finds that:
>
> (b) The licensee has violated any provision of this division or any rule made by the commissioner under and within the authority of this division.

IV

Complainant finds that, by reason of the foregoing, Respondent Vineyard Escrow has violated Financial Code sections 17202 and 17600, and it is in the best interests of the public to revoke Respondent's escrow agent's license pursuant to Financial Code section 17608.

WHEREFORE, IT IS PRAYED that the California escrow agent's license of Respondent Vineyard Escrow be revoked.

Dated: November 1, 2011
Los Angeles, CA

California Corporations Commissioner

By_____
ALAN S. WEINGER
Deputy Commissioner

State of California – Department of Corporations

State of California – Department of Corporations